

U. S. PTO Customer No. 25280

Case #5256

REMARKS

Claims 1-45 were pending in the application. Claims 34-38 have been canceled without prejudice. No claims have been added or amended. Thus claims 1-33 and 39-45 remain subject to continued examination. Each of these claims is believed to be in condition for allowance. Accordingly, an action to that effect is requested at this time.

FORMAL REJECTIONS:

Claims 34, 35, 37 and 38 were rejected under 112 second paragraph. Each of these claims has been canceled.

ART REJECTIONS:

Claims 36-38 were rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent 6,524,107 to Brown. Each of these claims has been canceled.

DOUBLE PATENTING:

Claims 1-45 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1-13 in copending application 09/920,152. Applicant respectfully traverses this obviousness-type double patenting rejection on the grounds that the installing step of the present claims of installing carpet tiles of different patterns, colors, shades, designs, or combinations thereof, especially with a large number of different patterns, colors, shades, designs, or combinations thereof, for example 36 different ones, provides along with the other steps an improved method of recycling carpet tiles without the necessity of mapping, shade sorting, or

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sorting into shade lots. Also, in view of the provisional nature of the rejection, applicants respectfully submit that a terminal disclaimer should not be required at this time.

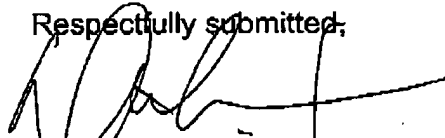
CONCLUSION:

Applicants respectfully submit that all claims should stand in condition for allowance at this time. Accordingly, an action to that effect is requested. While an attempt has been made to address all outstanding issues, to any extent that one or more issues remain, the undersigned respectfully requests a telephone conference to resolve such issues.

To any extent required for acceptance of this paper, a request for an extension of time is hereby made and authorization is provided to charge any fee required for acceptance of this paper to Deposit Account 04-0500.

February 16, 2004

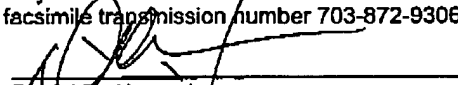
Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent by facsimile to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on February 16, 2004, at facsimile transmission number 703-872-9306.


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